

CWP-28869-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-28869-2024

Date of Decision: 24.10.2024

DR. SUNITA

..... PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

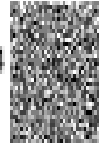
Present: Mr. Dalbir Singh, Advocate
for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

TRIBHUVAN DAHIYA, J. (ORAL)

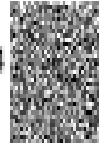
The petition has been filed, *inter alia*, seeking a writ of *certiorari* setting aside the order dated 18.10.2024, Annexure P-44, whereby the petitioner has been relieved from service as Extension Lecturer in Mathematics for want of adequate workload, as also being ineligible because of serious objections regarding her Ph.D. degree.

2. As per facts apparent on record in brief, the petitioner had been working as ineligible Extension Lecturer in Mathematics in Government National College, Sirsa, with effect from 04.08.2014. Despite being ineligible she had been engaged in terms of the policy in vogue at that time.

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It is claimed that another Extension Lecturer in Mathematics, the fourth respondent, though engaged with the petitioner on 04.08.2014, is her junior since after initial appointment she remained out of service during 2016/2017. Only after February/ March 2019, was she re-adjusted as Extension Lecturer on acquiring the requisite qualification/clearing the National Eligibility Test (NET). Accordingly, she is to be considered the petitioner's junior and should have been relieved first in case adequate workload is not available in the subject. It is also claimed that during service the petitioner acquired eligibility for the post by obtaining Ph.D. degree in Mathematics for the thesis "Stochastic Modeling and Reliability Analysis of Redundant Systems" from Shri Jagdish Prasad Jhabarmal Tibrewala University, Jhunjhunu, Rajasthan (hereinafter referred to as 'SJJT University') dated 08.09.2018; the degree was later awarded on 26.02.2019.

3. Learned counsel for the petitioner has contended that the degree is valid as it has been verified by the SJJT University vide communication dated 08.01.2020, Annexure P-22, sent to the Principal of third respondent/College, and again vide communications dated 28.07.2020 and 24.08.2020 and 08.07.2022, Annexure P-23 to P-25, respectively. In the last two communications the date of enrollment/ registration, time of course work, meeting of Departmental Research Committee (DRC), name and designation of supervisor/guide, duration of Ph.D. work, etc. have also been mentioned. Therefore, the UGC Regulations have been duly complied with, and a validly conferred degree by the University cannot be questioned by the respondents, nor can the petitioner be considered ineligible despite the degree and/or relieved on that basis. She was rightly considered eligible by

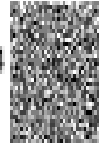
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the College initially, and paid remuneration meant for the eligible Extension Lecturer with effect from 27.06.2019. However, without any show cause notice or hearing, her salary was reduced from ₹57,700 per month (meant for the eligible) to ₹35,400 per month (meant for the ineligible) from June 2020 which is illegal and arbitrary.

3. Learned State counsel, on the contrary, contends that the petitioner's degree was not as per the conditions laid down by the UGC Regulations. A detailed inquiry was conducted by the College in that regard, wherein she duly participated. After minutely examining all aspects to ascertain validity of the degree in terms of the Regulations, it was found that the mandatory conditions stipulated therein had not been fulfilled before awarding the degree. Accordingly, the petitioner was rightly held not eligible vide impugned order dated 18.10.2024. Besides, sufficient workload in the subject was not available, and on that account also she could not be continued in service.

4. Submissions made by learned counsel for the parties have been heard.

5. As per undisputed facts on record, the petitioner was initially engaged as ineligible Extension Lecturer in Mathematics, as per the then applicable policy, with effect from 04.08.2014. She attained eligibility by acquiring Ph.D. degree from SJJT University on 08.09.2018. Although she was considered eligible on that basis and was given remuneration as eligible Extension Lecturer, it was without verifying the genuineness of Ph.D. degree on the basis of which she claimed eligibility. In terms of letter issued by the



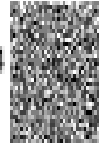
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second respondent, dated 15.11.2019, it is stipulated, “*if any ineligible Extension Lecturer has acquired Ph.D./ passed NET, his/her status may be updated as eligible however, concerned Principal may ensure the verification of such qualification from concerned Institutions (University or UGC as the case may be)*”. Accordingly, the process to verify the petitioner's Ph.D. degree was initiated by constituting an Inquiry Committee of senior teachers in the College. She appeared before the Committee and submitted written statement along with the supporting documents on 30th June. After examining the relevant record and considering the petitioner's response, the Committee noted the following glaring discrepancies in her Ph.D. degree so far as compliance of the UGC Regulations is concerned. The same are detailed in the impugned order, and are reproduced hereunder *in extenso*:

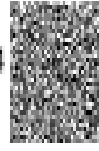
7. Important objectionable points for which the Sunita Rani Extension Lecturer in Mathematics, who obtained Ph.D. degree from SJJT University, could not give justifiable explanation till now are as follows:

i. Date of her enrolment/registration is shown as 17.04.2016 which was a Sunday. Also the University has issued a receipt of Rs. 25600/- of the same date i.e. a Sunday is also highly improbable. Moreover this receipt shows fee for two separate events i.e. Registration fee of Rs. 1600/- and Tuition fee of Rs. 24000/-. Surprisingly the Standard Procedure for Pursuing Ph.D. of SJJT University submitted by Sunita Rani to the Enquiry committee shows at point no. 1 that a registration fee of Rs. 1600/- is to be paid along with the application form; then as per Point no. 2 the candidate has to appear in an interview which is to be followed by submission of research proposal as



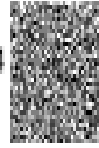
per Point no. 3 and after passing the interview the candidate has to pay the Term fee of first year with a minimum installment of Rs. 24000/- or Rs. 48000/- as per Point no. 4. All this clearly suggests that there has to be some time lag between payment of Registration fee of Rs.1600/- and that of Term fee of Rs. 24000/-. When the candidate does not know whether he/ she is going to pass the interview or not then why would he/she deposit the term fee of Rs. 24000/- along with Registration fee and how can the University accept the term fee along with the registration fee even if the candidate is ready to pay it in advance because even the University cannot know whether the candidate will pass the interview or not. The term fee has to be deposited after declaration of result of interview. This discrepancy along with the fact that the date shown was a Sunday shows that either this fee receipt is also created later on with a back date written on it or the whole process shown to be followed for completion of Ph.D. is just an eye wash. Also no other fee receipts were produced on record apart from this only fee receipt. All this can be further verified by asking the concerned University to submit the cashbook and bank account details of that month. Moreover Sunita Rani would not have been the only candidate for whom all such events had taken place. List of all such candidates and their fee details shall make the things clear whether such things have actually happened or are only shown to be created for the concerned petitioner.

ii. Dates of Course Work of Sunita Rani as stated in course work completion certificate by the concerned University were from 26.04.2016 to 10.10.2016. But Sunita Rani was working with this college during the months of September and October 2016 and received salary for that period. If she was going to a college in Sirsa, Haryana then how could she attend the course work simultaneously at SJJT University, Jhunjhnu, Rajasthan, more than 200 km away. When Sunita Rani was asked to



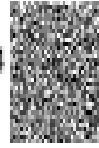
explain this discrepancy, she submitted that she attended the course work regularly till 05.09.2016 and after that she attended the course work on the days when there were holidays in the college. This reply is totally unacceptable firstly because she had herself initially submitted the dates of course work from 26.04.2016 to 31.08.2016 to the college authorities on 08.07.2020 during enquiry probably to avoid disclosing the period of her working in the college during September and October 2016 and she might have forgotten this fact while getting issued the dates of course work from the University; secondly when there were public holidays in the college then most of those days would have been holidays in her University also; Interestingly the concerned University had mentioned the duration/date of course work in its letter issued to Principal on 08.07.2022 as "One semester as per UGC norms". This is another attempt to mask the dates of course work and simultaneous working of petitioner in respondent college.

iii. Course work examinations of Sunita Rani are shown to be on 11.10.2016, 12.10.2016 and 13.10.2016 as mentioned in the SJJT University letter dated 24.08.2020. On 11.10.2016 there was a holiday due to festival of Dusserah and on 12.10.2016 there was a holiday due to Moharrum. No educational Institution remains open on these important events in India. 13.10.2016 was a working day and Sunita Rani was present at Govt. National College, Sirsa. She had submitted a bill with her signatures which was verified by the Head of the Mathematics Department and she received remuneration for her working on this day. If she was present in the college at Sirsa on 13.10.2016 then how could she be present in her examinations shown to be held on the same date at a place situated more than 200 km away? This proves that SJJT University has manufactured and issued the certificate regarding conducting of course work examination and passing of course work exam by



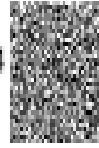
Sunita Rani in a fraudulent manner just to prepare some record regarding a very important event for Ph.D. In her explanation submitted to the college regarding this point Sunita Rani has stated that she did not teach any class and also that she did not mark her presence on that day. She further stated that the entry of 13.10.2016 in the pay bill was inadvertent mistake. This explanation is not acceptable because at that time payments were used to be made on lecture basis and her attendance in those days was used to be marked by the concerned HOD of Mathematics department. She has also put her signature on concerned attendance register maintained by HOD with comments "I taught for 19 days (4 periods daily) but as per rule I am claiming for 18 days". These comments were made by her because she had taught 4 periods per day for 19 days including 13.10.2016 but since there was a cap of Rs. 18000/- per month and therefore payment was made for 72 periods @ Rs. 250/- per period only. The same page of the register shows the attendance of other similar teachers in Mathematics department including Pooja Rani at that time. Moreover, the pay bill demanding payment was not only signed and submitted by the Sunita Rani but was also verified by the HOD of Mathematics department as per her attendance record and the payment was duly made to her. The then HOD of mathematics department, who has now retired, appeared before the enquiry committee and verified this fact. All the explanations given by Sunita Rani are only an afterthought just to prove herself innocent.

iv. The University has shown the DRC meeting on 21.01.2017 while Sunita Rani was present at Govt. National College, Sirsa from 09:30 am to 03:00 pm on that day. To explain this anomaly Sunita Rani stated in her explanation that the DRC meeting was fixed for 04:00 pm on 21.01.2017 but she went to her University after attending her classes at Govt. National College at Sirsa using a private vehicle and attended



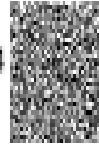
the DRC meeting at 04:30 pm. This explanation is also not acceptable because her departure time from the college was 03:00 pm and her SJJT University is situated more than 200 kms away using the shortest route and takes more than 04 hours as shown by Google Map. The distances by other two routes are more than 250 kms. During all these routes many towns and cities are to be crossed and no private vehicle can take a person to SJJT University at Jhunjhunu, Rajasthan from Sirsa, Haryana in 01 hour 30 minutes including time taken in boarding the vehicle from Sirsa after marking attendance in the attendance register maintained at Mathematics department in the Science Block of Govt. National College, Sirsa and reaching the venue of the meeting at the University situated at Jhunjhunu after de-boarding the vehicle. So this explanation is also not acceptable. In fact the DRC meeting has been shown by the University only on papers and all concerned never imagined at that point of time that such dates could be checked and verified minutely by the concerned authorities. Manufacturing of documents pertaining to holding DRC meeting amounts to making a fraud. List of DRC members along with their mobile numbers and their mobile phone location including that of Sunita Rani at 04:30 pm on that day can also be obtained to verify this fact. In fact all the DRC members are also part and parcel of this fraud.

v. The dates of half yearly progress reports submission of Sunita Rani are shown to be 17.09.2016, 17.04.2017, 17.09.2017 and 17.04.2018. A simple perusal of these dates shows a pattern that all these dates are exactly the same date of months of April and September. Not only this, there is a gap of exact 5 months from September to April and 7 months from April to September. If these reports were to be submitted every six months then how there is a gap of exactly 1 month prior and 1 month after six months. Also out of these four dates,

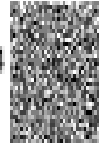


17.09.2017 was a Sunday. Another notable fact is that Sunita Rani was present at Govt. National College Sirsa on 17.09.2016 and received remuneration for that day by submitting Remuneration bill with her own signature clearly mentioning the date in question. All this clearly shows that these dates are fictitious and is an afterthought without realizing that the above stated discrepancies could be dug out.

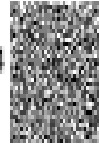
vi. In the synopsis, which is submitted by the research scholar to the DRC during the first meeting of the scholar with DRC, Sunita Rani has shown the name of her supervisor as Dr.Pardeep Goel, Department of Mathematics, SJJT University, Jhunjhunu in 2016. Sunita Rani herself has submitted a signed Synopsis submission document to college. The fact is that Dr. Pardeep Goel was never employed with SJJT University, Jhunjhunu in the year 2016 or even thereafter. In other documents, posting of Dr. Pardeep Goel has been shown at M.M College, Fatehabad (Haryana). Even the DRC Approval Letter dated 07.03.2017 shows the name of only Dr. Pardeep Goel as guide of Sunita Rani. Interestingly in the "Pre-thesis submission presentation minutes', signed by five officials on 03.05.2018 submitted by Sunita Rani to college, the name of guide is firstly hand written as Dr. Pardeep Goyal and in the Subject Expert column a name Dr. Mahendera Singh is written, but on perusing this annexure carefully, an interesting fact is noticed that the name Dr. Mahender Singh Poonia has been written in an entirely different handwriting by putting a slash after the name of Dr. Pardeep Goel in the Guide Name column. If Dr. Mahender Singh was actually the guide and Dr. Pardeep Goel was incorporated as a co-guide at a later stage then the name of Dr. Mahender Singh should have been written originally and the name of Dr. Pardeep Goel should have been added later. All this clearly suggests that even till the time of Pre-thesis submission, Dr. Pardeep Goel was the guide but the



name of Dr. Mahender Singh, who was the subject expert during Pre-Thesis Submission, was added as a second name with a slash after the name of Dr. Pardeep Goel on 03.05.2018 and that also in an entirely different handwriting than used in the whole proforma. Surprisingly this date of 'Pre-Thesis Submission' is only about a month prior to the final submission on 08.06.2018. In the final thesis submission, the name of Dr. Pardeep Goel was written as Co-guide. It is surprising that if Dr. Pardeep Goel was associated with the research work of the petitioner from the very beginning as is clear from DRC Approval letter dated 07.03.2017 till the end of research work then why his name was changed from Supervisor to Co-Supervisor and a new name was added as Guide/Supervisor just one month prior to submission of final thesis. In fact after pre-thesis submission, only incorporation of suggestions made during the pre-thesis submission is to be taken care of while the research work has already completed. All this is highly unacceptable to change the guide/supervisor at this final stage. Even the 'Standard Procedure for Pursuing Ph.D.' of SJJT University, submitted by Sunita Rani to the college, at Point No. 6, clearly says that in normal circumstances the supervisor will not be changed but in exceptional case with reasonable reasons, the supervisor can be changed on the written request of research scholar to the Vice-Chancellor. Dr. Pardeep Goel had been associated from the very beginning even till the end of research of the petitioner and in both the research papers published by the petitioner, in the same issue of a Journal in the month of January 2018, the name of only Dr. Pardeep Goel is mentioned as co-author and not that of Dr. Mahender Singh. Then under what circumstances a new name of Dr. Mahender Singh Poonia has come up as Supervisor almost near the end of research work.



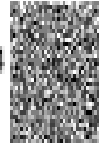
vii. Sunita Rani had submitted a self signed copy of a letter from SJJT University, with reference no. JJTU/R&D/DAL/3488/3372 dated 07.03.2017 to the college during enquiry on 02.07.2020. This was a 'DRC Approval Letter' wherein the name of only Dr. Pardeep Goel is mentioned as her guide. Sunita Rani had no explanation at that time regarding mentioning of name of only one person Dr. Pardeep Goel and that also as a Guide and not as a Co-guide. Surprisingly the SJJT University sent a letter dated 08.07.2022 in response to a query by the college. Certain documents were enclosed along with this letter including a 'DRC Approval Letter' dated 17.04.2017. This DRC Approval letter is different from the previous 'DRC Approval letter' dated 07.03.2017. An interesting point regarding this letter is that it doesn't mention anything regarding the previous 'DRC Approval Letter' dated 07.03.2017 and reason for issuing the separate letter once again but with the same reference number JJTU/R&D/ DAL/3488/3372. Surprisingly Sunita Rani herself did not have this letter till 02.07.2020 because she herself had submitted the old DRC Approval letter to the enquiry committee. In this new letter, everything else is verbatim same as in letter dated 07.03.2017 except that the name of Dr. Mahender Singh was added as Guide while the name of Dr. Pardeep Goel has been changed from Guide to Co-Guide. In fact this new 'DRC Approval Letter' dated 17.04.2017 has been especially manufactured much later than 02.07.2020 with a back date printed on it to justify incorporation of the name of Dr. Mahender Singh as Guide instead of Dr. Pardeep Goel because Dr. Pardeep Goel was not a regular faculty member of the SJJT University and this was against UGC norms. This is easily proved because on 02.07.2020 during enquiry, Sunita Rani had herself submitted a signed "DRC Approval letter" dated 07.03.2017. While manufacturing the earlier documents



related to Synopsis and DRC Approval Letter dated 07.03.2017 etc. Sunita Rani as well as SJJT University did not know or overlooked the fact that as per norms the guide/supervisor has to be a regular faculty member of the University and Dr. Pardeep Goel was known to be a regular faculty member of M.M. College, Fatehabad and he had been visiting Govt. National College, Sirsa quite often and was known to a large number of faculty members of this college.

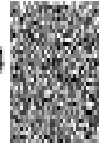
viii. Sunita Rani herself has submitted a signed reply to the list of quarries on 02.07.2020 to college enquiring committee during enquiry. At point no. 21 she mentioned details of only 76 days from 22.01.2017 to 25.02.2018 during which she visited supervisor and co-supervisor for discussion and other work relating to research. But both Dr. Mahender Singh Poonia as well as Dr. Pardeep Goel have issued two separate certificates, as enclosed with the Ph.D Thesis of the petitioner, certifying therein that the candidate (Sunita Rani) has put the attendance of more than 200 days/600 hrs. Interestingly both Dr. Mahender Singh and Dr. Pardeep Goel were supposed to reside in two separate cities in two separate states and Dr. Mahender Singh has been shown to become the supervisor only at some advance stage of research work. When Sunita Rani has herself stated to have spent only 76 days in total then how the supervisor and co-supervisor have issued certificates totaling 400 days/1200 hours of attendance with them. All this again proves how fraudulent the whole process had been.

ix. In the signed reply to the list of quarries on 02.07.2020, at point no. 11 in the list, Sunita Rani mentioned 11 dates before the DRC meeting on 21.01.2017 when she held discussions on the Topic and Synopsis with her supervisor and co-supervisor. But in the copy of synopsis as well as in DRC Approval letter dated 07.03.2017 submitted by her to the college, there was only one name of Dr. Pardeep Goel shown as



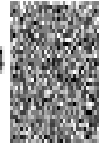
Guide/Supervisor. Then in what capacity Sunita Rani held discussions with Dr. Mahender Singh who was neither a Supervisor nor Co-supervisor till that time. The fact is that the idea of incorporating the name of Dr. Mahender Singh as Guide and mentioning Dr. Pardeep Goel as co-guide was an afterthought and documents in this regard were manufactured in back date and conspirators could not manage all such discrepancies and got caught as described above.

x. Also as per the 'Rules for the Degree of Doctor of Philosophy (Ph.D.)' as submitted by Sunita Rani with her signatures to the enquiry committee, point no. 1a.5 "If the research topic is of interdisciplinary nature, the candidate with the consent of his faculty supervisor may opt for a Joint supervisor who shall also be the recognized faculty supervisor of the University. However, the main responsibility of supervising the research work shall vest with the faculty supervisor and the candidate shall finalize and submit the thesis through the faculty supervisor." This clearly suggests that the supervisor has to be a regular faculty member of the University. Then how the name of Dr. Pardeep Goel, who was not a regular faculty member of the University, was approved as supervisor as per DRC approval letter 07.03.2017. Again the topic of the Petitioner is not interdisciplinary in nature and the fact that both Dr. Mahender Singh and Dr. Pardeep Goel are from the same mathematics subject only then under what circumstances the need of co-supervisor arose. Also there was nothing on record regarding the consent of supervisor for appointing a joint or co-supervisor. If at all, a joint or co-supervisor was required then how the original supervisor Dr. Pardeep Goel was converted from the main supervisor to the co-supervisor. In fact all these are afterthoughts to justify issuance of Ph.D. degree in a fraudulent manner and manufacturing the records on later dates.



xi. Another surprising fact about Sunita Rani is that the concerned SJJT University has issued two separate letters addressed to the college in response to the same letter written by the college, one with number JJTU/ADMIN/2019-20/377 dated 08.01.2020 and another with exactly the same number JJTU/ADMIN/2019-20/377 but with a different date 28.07.2020 with a gap of more than 6 months. Interestingly a careful perusal of number of both letters i.e. JJTU/ADMIN/2019-20/377 shows the year 2019-20 is mentioned while the date 28.07.2020 falls in the academic year 2020-21 and not in the year 2019-20. Academic year in Indian Universities and colleges are from 1st July to 30th June. Another letter issued after less than one month on 24.08.2020 bears a number JJTU/ADMIN/2020-21/415 where the year has been changed from 2019-20 to 2020-21. Another interesting point is that above letter dated 24.08.2020 is addressed to respondent college and was sent through registered post and was received in the college on 19.09.2020 vide receipt no. 1030/19-09-2020 and was marked to concerned persons in the college on the same date as is clearly visible from the office markings on the letter but Sunita Rani had a direct access to the same letter which she has annexed as Annexure P-31 in her CWP bearing no markings or college receipt number. This shows that she has got the desired letters issued from the University as per her own convenience which were otherwise never sent to them by the University even as a copy.

5.1 In the light of these objections, the Committee unanimously decided that the petitioner was ineligible for being appointed as Extension Lecturer because of extremely serious objections regarding her Ph.D. degree. Besides, the Committee also concluded that there had been decrease



in teaching workload for the subject which made the petitioner surplus; even if she was to be considered senior to the fourth respondent, and her Ph.D. degree as valid, she could not be retained for want of workload. And there was no direction issued by this Court to continue her in service despite being surplus for want of workload. Therefore, it was unanimously decided to relieve the petitioner along with another such Extension Lecturer, Pooja Rani, by considering them both ineligible because of the objections regarding their Ph.D. degrees and being surplus.

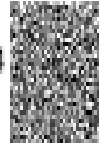
6. In this background, the issue comes up for adjudication is, *whether the respondents have rightly considered the petitioner ineligible for engagement as Extension Lecturer in Mathematics on account of her Ph.D. degree having not been conferred in accordance with the UGC Regulations.*

7. As per facts apparent on record the petitioner was enrolled as Ph.D. scholar in SJJT University on 17.04.2016. At that time UGC (Minimum Standards and Procedure for Awards of M.Phil/Ph.D. Degree), Regulation, 2009 (hereinafter referred to as 'the 2009 Regulation') was applicable and the degree was mandatorily required to be conferred in terms thereof. The relevant provisions of this Regulation, which was notified in the Gazette of India on 01.06.2009, are reproduced here under:

ELIGIBILITY CRITERIA FOR M. PHIL/PH.D. SUPERVISOR

6. All Universities, Institutions, Deemed to be Universities and Colleges/Institutions of National Importance shall lay down the criteria for the faculty to be recognized as Research Supervisor both for M.Phil and Ph.D. Programmes.

7. All Universities, Institutions, Deemed to be Universities and Colleges/Institutions of National Importance shall lay



down and decide on annual basis, a predetermined and manageable number of M.Phil and doctoral students depending on the number of the available eligible Faculty Supervisors. A Supervisor shall not have, at any given point of time, more than Eight Ph.D Scholars and Five M.Phil. Scholars.

8. The number of seats of M. Phil and Ph.D shall be decided well in advance and notified in the University website or advertisement. All Universities, Institutions, Deemed to be Universities and Colleges/Institutions of National importance shall widely advertise the number of available seats for M.Phil/Ph.D studies and conduct admission on regular basis.

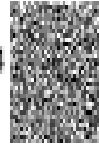
PROCEDURE FOR ADMISSION

9. (i) All Universities, Institutions, Deemed to be Universities and Colleges/Institutions of National Importance shall admit M.Phil doctoral students through an Entrance Test conducted at the level of individual University, Institution, Deemed to be University, College/Institution of National Importance. The University may decide separate terms and conditions for those students who qualify UGC/CSIR (JRF) Examination/SLET/GATE/teacher fellowship holder or have passed M.Phil Programme for Ph.D. Entrance Test. Similar approach may be adopted in respect of Entrance Test for M.Phil Programme.

ii) It shall be followed by an interview to be organized by the School/Department/Institution/University as the case may be.

(iii) At the time of interview, doctoral candidates are expected to discuss their research interest/area.

(iv) Only the predetermined number of students may be admitted to M.Phil/Ph.D Programme.



10. The admission to the Ph.D Programme would be either directly or through M.Phil Programme.

11. While granting admission to students to M.Phil/Ph.D. Programmes, the Department/Institute/School will pay due attention to the National/State Reservation Policy.

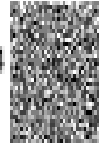
ALLOCATION OF SUPERVISOR

12. The allocation of the supervisor for a selected student shall be decided by the Department in a formal manner depending on the number of student per faculty member, the available specialization among the faculty supervisors, and the research interest of the student as indicated during interview by the student. The allotment/allocation of supervisor shall not be left to the individual student or teacher.

COURSE WORK

13. After having been admitted, each M.Phil/Ph.D student shall be required by the Universities, Institutions, Deemed to be Universities and Colleges/Institutions of National Importance, as the case may be, to undertake course work for a minimum period of one semester. The course work shall be treated as pre M.Phil/Ph.D preparation and must include a course on research methodology which may include quantitative methods and Computer Applications. It may also involve reviewing of published research in the relevant field. The individual Universities, Institutions, Deemed to be Universities and Colleges/Institutions of National Importance, as the case may be, shall decide the minimum qualifying requirement for allowing a student to proceed further with the writing of the dissertation.

If found necessary, course work may be carried out by doctoral candidates in sister Departments/ Institutes either



within or outside the University for which due credit will be given to them.

EVALUATION AND ASSESSMENT METHOD

14. Upon satisfactory completion of course work and research methodology, which shall form part & parcel of M.Phil/Ph.D. Programme, the M.Phil/Ph.D Scholar shall undertake research work and produce a draft thesis within a reasonable time, as stipulated by the Institution concerned.

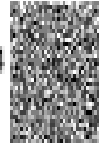
15. Prior to submission of the thesis, the student shall make a pre-M.Phil/Ph.D presentation in the Department that may be open to all faculty members and research students, for getting feedback and comments, which may be suitably incorporated into the draft thesis under the advice of the supervisor.

16. Ph.D candidates shall publish one research paper in a referred Journal before the submission of the thesis/ monograph for adjudication, and produce evidence for the same in the form of acceptance letter or the reprint.

17. The thesis produced by the M.Phil/Ph.D student in the Institutions/Departments and submitted to the University, Institution, Deemed to be University, College/Institution of National Importance, as the case may be, shall be evaluated by at least two experts, out of which at least one shall be from outside the State. It shall be upto the University, Institution, Deemed to be University, College/Institution of National Importance concerned to have one examiner from outside the Country.

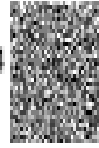
18. On receipt of satisfactory evaluation reports, M.Phil/Ph.D students shall undergo a viva voce examination which shall also be openly defended.

7.1. A perusal of the 2009 Regulation shows, among other things, it



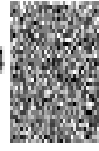
lays down eligibility criteria for the faculty to be recognised as research Supervisor for M.Phil/Ph.D. programmes. The laid down procedure for admission to these programmes requires that students shall be admitted through an entrance test conducted at the level of individual university which is to be followed by an interview, wherein the candidates are expected to discuss their research interest/area. It further stipulates that a Supervisor will be allocated to a student by the Department depending upon the number of students per faculty member as well as their specialisation. It is mandatory requirement that every student of M.Phil/Ph.D. programme shall undertake course work for a minimum period of one semester; it has to include a course of research methodology and computer applications. Only on attaining the minimum qualifying requirement in the course, can a student be allowed to proceed further with writing of dissertation. The Regulation also specifies the affiliation and assessment methods. The requirements are also to make pre-M.Phil/Ph.D. presentations in the Department, and publish one research paper in a referred journal before submission of thesis for adjudication.

7.2 The details incorporated in the impugned order, dated 18.10.2024, show that Ph.D. degree awarded to the petitioner by SJJT University was not in compliance with the requirements of 2009 Regulation. It has not been established that she undertook the mandatory pre-Ph.D. course work of one semester, as she was working in the College during that time and could not have been physically present simultaneously in the SJJT University which was more than 200 kms. away. She did not apply for, nor was she given any study leave for that purpose by the College. Even her

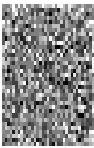


taking of final examination of the course is in doubt, as she was physically present in the College on one of the dates when the test was held. Further, even on the date of Department Research Committee (DRC) meeting in the University on 21.01.2017, the petitioner was present in the College from 9.30 a.m. to 3.00 p.m., instead of being in the University. Also, there are serious doubts about the half-yearly progress reports stated to have been submitted by the petitioner regarding her Ph.D. thesis. It has also been informed that her Ph.D. Supervisor was not in employment with the SJJT University in 2016 or even thereafter, which is also a violation of the mandatory requirements under the 2009 Regulation. Besides, there have been serious discrepancies about the change of Supervisor and addition of co-supervisor at some later stage of research in violation of the UGC norms and without proper approval of the competent authority. It has also come on record that the topic of petitioner's Ph.D. thesis was not inter-disciplinary in nature that would require a co-supervisor. It is also on record that both, the Supervisor as well as the co-supervisor, are of Mathematics, that also obviates the requirement of a co-supervisor.

8. The Ph.D. degree certificate to the petitioner has been issued by the SJJT University. To consider her eligible as Extension Lecturer on that basis, the College needed to ascertain whether the degree had been issued in terms of the mandatory UGC Regulations; this was the requirement in terms of letter, dated 15.11.2019, issued by the Directorate. The College constituted a committee for the purpose, and to establish facts, elicited response from the concerned University as well as the petitioner in this regard. After minute examination of the documents, the records, and the



responses received, the Committee concluded that the degree awarded to the petitioner was not as per the UGC Regulation since the compliance of mandatory requirements for awarding the degree in terms thereof had not been established. There were glaring contradictions, viz., regarding the petitioner's presence in the College as well as the University simultaneously for course work, presentations, taking the tests, appointment of supervisor to guide the research, etc. Besides, the factum of publication of research papers in referred journal by the petitioner, which is also a mandatory pre-requisite for award of degree, could also not be established. Self-certification by the SJJT University that the Ph.D. degree awarded by it is valid, cannot be the sole ground to consider the petitioner eligible for the post. It is obligatory that every Ph.D. degree has to be conferred as per the UGC Regulation. Hence, compliance thereof must be established by cogent material by the applicant for the post, as may be required. And the Department, being employer, is well within its rights to seek verification of the requisite qualification. In the face of glaring violations the Department is not expected to close its eyes and consider a candidate eligible only because he/she has been conferred a degree by the University, which has declared it to be valid also. If serious breach of mandatory requirements has been established in a due enquiry, the Department is well within its rights to consider a candidate ineligible on that basis. Consequently, in the light of findings arrived at by the Committee establishing blatant violations of mandatory requirements of the 2009 Regulation, no exception can be taken to the impugned order considering the petitioner ineligible for the appointment as Extension Lecturer. Also, the ineligibility disentitles her to engagement/continuance as



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Extension Lecturer despite being senior, as claimed; accordingly, this Court is not required to examine the issue of seniority.

9. In view of the above discussion, there is no merit in the petition, and it stands dismissed.

24.10.2024
Seema

(TRIBHUVAN DAHIYA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No